

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

PETER PEDERSEN, §
§
Plaintiff, §
§
v. § Civil Action No. 6:22-cv-00408-ADA
§
ZOHO CORPORATION, §
§
Defendant. §
§

**NOTICE OF NON-OPPOSITION TO DEFENDANT ZOHO CORPORATION'S
MOTION TO TRANSFER VENUE (D.I. 14)**

Pursuant to Local Rule CV-7(D)(2), Defendant Zoho Corporation (“Zoho”) submits this notice of non-opposition regarding its pending Motion to Transfer Venue Within This District Under 28 U.S.C. § 1404(a) (the “Transfer Motion”) filed on October 20, 2022. *See* D.I. 14. Though Plaintiff did file a response to Zoho’s Transfer Motion, Plaintiff did so on January 6, 2023 – almost three months after Zoho’s Transfer Motion was filed. Because Plaintiff Pedersen did not conduct any venue or jurisdictional discovery, his response to the Transfer Motion was due on November 3, 2022—14 days after the motion was filed. *See* Standing Order Governing Proceedings (OGP) 4.2 – Patent Cases (“Standing Order”) § VI (response due “14 days after the completion of venue or jurisdictional discovery, *if such discovery is conducted*; otherwise, 14 days after the Opening brief.”) (emphasis added). Plaintiff’s January 6, 2023 response was overdue by more than two months (*see* D.I. 16), and Zoho respectfully requests the Court deem its Transfer Motion unopposed and grant the relief requested therein to transfer this case to the Austin Division. *See* Local Rule CV-7(D)(2) (“If there is no response filed within the time period prescribed by this rule, the court may grant the motion as unopposed.”).

Although Plaintiff failed to conduct any venue discovery, he filed a Notice of Venue Discovery on October 26, 2022, stating that he “intends to conduct venue discovery in this case” and “will conduct venue discovery to retain this case in the Western District of Texas.” (D.I. 15). Indicating an intent to take venue discovery, however, is not sufficient to extend the deadline for responding to the Transfer Motion. The Standing Order extends the response deadline to fourteen days after the completion of venue discovery only “if [venue or jurisdictional] discovery is conducted.” Standing Order § VI. Plaintiff failed to conduct any such discovery, so the deadline was 14 days after Zoho’s motion was filed.

Because Plaintiff failed to file a timely response to Zoho’s Motion to Transfer, Zoho requests the motion be deemed unopposed and that the Court grant the relief Zoho has requested therein to transfer this case to the Austin Division. *See* D.I. 14; Local Rule CV-7(D)(2) (“If there is no response filed within the time period prescribed by this rule, the court may grant the motion as unopposed.”); *see also, e.g., Traxcell Techs., LLC v. Google LLC*, No. 6:21-CV-1312-ADA, 2022 WL 3593054, at *1 (W.D. Tex. Aug. 22, 2022) (“Because Plaintiff did not file a response or notice of venue discovery within 14 days, the Court considers this Motion unopposed. When motions are unopposed, a court may grant the motion.”); *De La Vega v. Amazon (USA), Inc.*, No. 6-19-cv-00618-ADA (W.D. Tex. Feb. 7, 2020) (text order stating “[b]ecause Mr. De La Vega has not filed his response within the 7-day time period prescribed by Local Rule CV-7, the Court GRANTS this motion as unopposed”); *Jefferson Street Holdings Intellectual Property LLC v. Tech21 Inc.*, Case No. 5-18-cv-00806, Dkt. No. 32 at 1 (W.D. Tex. Oct. 29, 2019) (“Although the deadline has passed, no response has been received by the Court. Accordingly, the Court considers the motion to be unopposed.”); *Yeti Coolers, LLC v. Rtic Coolers, LLC*, No. 1:15-CV-00597-RP, 2016 WL 5956081, at *2 (W.D. Tex. Aug. 1, 2016) (“For good cause shown, and as RTIC did not timely respond to YETI’s motion for redaction, the Court grants YETI’s motion as

unopposed.”); *Kaden v. Smith*, 3-15-cv-00146, Dkt. No. 26 at 1 (W.D. Tex. Mar. 09, 2016) (“As of this date, Defendant has filed no response. Therefore, the Court will grant Plaintiff’s Motion as unopposed.”).

Dated: January 10, 2023

Respectfully submitted,

By: /s/ Ryan J. Marton
Ryan J. Marton (admitted *Pro Hac Vice*)
MARTON RIBERA SCHUMANN & CHANG LLP
548 Market Street, Suite 36117
San Francisco, CA 94104
Telephone: (415) 360-2515
Email: ryan@martonribera.com

Darryl Adams
Texas State Bar No. 00796101
dadams@sgbfir.com
SLAYDEN GRUBERT BEARD PLLC
401 Congress Ave., Ste. 1650
Austin, Texas 78701
Telephone: (512) 402-3550
Facsimile: (512) 402-6865

Attorneys for Defendant Zoho Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing is being served on the counsel of record via the CM/ECF system on January 10, 2023.

Dated: January 10, 2023

/s/ Ryan Marton

Ryan Marton